

UNITED STATES DISTRICT COURT
for the
District of Massachusetts

JOSE MARIA DECASTRO, an individual)	Case No. 1:22-cv-11421
)	
Plaintiff,)	NOTICE OF SUPPLEMENTAL
)	AUTHORITY
v.)	
)	
JOSHUA ABRAMS, an individual, et al.,)	
)	
Defendants.)	

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff Jose DeCastro (“Plaintiff” or “I”), hereby notifies this court and all parties that since this motion was filed, that additional authorities have been established from which to cite and support this motion. Pursuant to Federal Rules of Civil Procedure 32.1 and the established tradition of allowing supplemental authorities by this court, I do offer as follows:

POINTS AND AUTHORITIES

a. late filings are allowed *nunc pro tunc* due to mistake without requesting leave, regardless of the Federal Rules of Civil Procedure and SCOTUS decisions

See the order from February 3, 2023, in *DeCastro v. Abrams, et al.* No. 1:22-cv-11421 (ADB)(Ma.), where the judge has ordered that, contrary to the U.S. Supreme Court decisions and the Fed R. Civ. P. declaring that the court maintains no discretion, that a circuit judge does indeed have discretion to allow late filed motion practice, even when leave was not motioned prior. The order further provides that the excusable neglect test is provided simply by naming it. I include a copy of the unpublished order by reference to ECF No 112 in this case.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

The court has waived this local rule for the remainder of this action.

Dated: February 4, 2023

Respectfully submitted,

/s/ Jose DeCastro

Jose DeCastro

1258 Franklin St.

Santa Monica, CA 90404

chille@situationcreator.com

(310) 963-2445

Pro Se

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Jose DeCastro